

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

SENATOR OPHELIA FORD, WILLIAM )  
MARTIN SCRUGGS, PAUL F. LOWE, AND )  
GWENDOLYN ELLERSON )

**Plaintiffs,**

v.

No. 2:06-cv-2031 D/V  
JUDGE BERNICE DONALD

SENATORS MAE BEAVERS, DIANE BLACK, )  
JIM BRYSON, TIM BURCHETT, RUSTY )  
CROWE, RAYMOND FINNEY, DAVID )  
FOWLER, BILL KETRON, RANDY MCNALLY, )  
JEFF MILLER, MARK NORRIS, CURTIS )  
PEARSON, JR., RON RAMSEY, STEVE )  
SOUTHERLAND, JIM TRACY, MICHAEL R. )  
WILLIAMS, JAMIE WOODSON, KATHRYN I. )  
BOWERS, CHARLOTTE BURKS, STEPHEN I. )  
COHEN, JERRY W. COOPER, WARD )  
CRUTCHFIELD, THELMA HARPER, JOE M. )  
HAYNES, DOUGLAS HENRY, ROY HERRON, )  
DOUG JACKSON, TOMMY KILBY, )  
ROSALIND KURITA, JAMES F. KYLE, JR., )  
DON MCCLEARY, LT. GOV. JOHN S. )  
WILDER, AND TERRY ROLAND )

**Defendants.**

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**STATE DEFENDANTS' MOTION TO DISMISS**

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The State Defendants<sup>1</sup>, by and through the Attorney General for the State of Tennessee, respectfully move this Court to dismiss Plaintiffs' Complaint in its entirety and with prejudice, pursuant to Fed.R.Civ.P. 12(b)(2) and (6) for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted.

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<sup>1</sup>The State Defendants include all the named defendants, with the exception of Mr. Terry Roland.

This motion is supported by any accompanying memorandum of law.

Respectfully submitted,

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Attorney General

/s William Helou  
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/s Janet M. Kleinfelter  
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 24, 2006, a copy of the foregoing Motion was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

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Dated this 24rd day of January 2006.

BY: /s/ JANET M. KLEINFELTER  
Senior Counsel